

**Docket No.:** 10-0155  
**Bench Date:** 09-09-10  
**Deadline:** N/A

## **M E M O R A N D U M**

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**TO:** The Commission

**FROM:** Larry Jones, Administrative Law Judge

**DATE:** August 27, 2010

**SUBJECT:** Constellation NewEnergy, Inc. ("Petitioner")  
  
Petition for Emergency Relief to Protect Portions of NewEnergy's 2009 Annual Kilowatt-hour Report from disclosure for not less than two years in order to protect highly confidential and proprietary information.

**RECOMMENDATION:** Entry of the attached Order Granting the Petition.

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Petitioner filed a petition seeking an order protecting from disclosure, for a period of not less than two years, certain information contained in its Annual kWh Report for 2009.

As an Alternative Retail Electric Supplier ("ARES"), Petitioner is required to submit certain compliance filings on an annual basis pursuant to 83 Ill. Adm. Code 451. One such filing, required by Section 451.770, is the kWh report which identifies "the total annual kilowatt-hours delivered and sold to retail customers within each utility service territory in the preceding calendar year."

Petitioner explained why disclosure of the information could cause competitive harm within the meaning of the exemption in Section 7(g) of the Freedom of Information Act, 5 ILCS 140/1 et seq.

The attached order would grant the requested proprietary treatment for a period of two years.

LMJ/js